

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MATTHEW HEADLEY HOLDINGS, LLC)	
)	
Plaintiff,)	
)	Case No. 02-0654-CV-W-FJG
McCLEARY, INC., et al.)	
)	
Defendants,)	
)	

PLAINTIFF’S MOTION FOR ORDER RELEASING BOND

COMES NOW Plaintiff and hereby moves this Court for its Order releasing it and its surety company from the \$50,000.00 bond requirement imposed by the Court as a condition of issuing this Court’s temporary restraining order. In support thereof, plaintiff states to the Court as follows:

1. Plaintiff moved for a temporary restraining order (Doc. 3) asking this Court to temporarily restrain defendant McCleary Inc. from using GUYS trademarks and other proprietary information. As a condition of entering a temporary restraining order, the Court required that plaintiff post a \$50,000.00 surety bond. (Doc. 9 filed 7/17/02). Plaintiff posted the bond promptly by and through its surety, Mid-Continent Casualty & Surety Co. (Doc. 14).
2. Proceedings following the temporary restraining order consisted of the parties stipulating to an agreed upon order of permanent injunction, and the Court signing the stipulated injunction thereby giving it the force of law. (Doc. 18).
3. The purpose of posting the TRO bond was to protect the defendant from any potential loss or damages that might be caused if the TRO were denied or not made permanent. In this case the order was made permanent by stipulated order. There is no longer any need or purpose for the bond.

4. Mid-Continent Casualty & Surety requests and requires an official order from the Court releasing it from any liability therefore.
5. Plaintiff's counsel has contacted defendant's counsel about stipulating to this motion. However, plaintiff was advised that defendant was not sure. Approximately two months have passed and defendant is still not sure if they consent. Accordingly, plaintiffs filed this motion.

WHEREFORE, plaintiff hereby requests this Court enter its Order releasing plaintiff and its surety company from any and all obligations under the bond required by this Court's temporary restraining order (Doc. 9), and for all such other and further relief as this Court deems just and proper. A proposed Order is attached for the Court's Convenience.

Respectfully submitted,

/s/ Michael P. Healy

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that this document was ECF filed for distribution to counsel of record on the 12th day of December, 2005.

/s/ Michael P. Healy

Attorney for Plaintiff

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ORDER

Upon Motion of plaintiff and for good cause shown the Court hereby orders that plaintiff is no longer required to maintain the bond posted by plaintiff in connection with obtaining a temporary restraining order (Doc. 14). Plaintiff and plaintiff's surety, Mid-Continent Causalty & Surety, are hereby released and discharged from any and all obligations under said bond.

SO ORDERED this _____ day of December, 2005.

United States District Judge